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GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

7/29/2008-LA

The Goa Sewerage System and Sanitation Services Management Act, 2008 (Goa Act 14 of 2009), which has been passed by the Legislative Assembly of Goa on 27-8-2008 and assented to by the Governor of Goa on 25-06-2009, is hereby published for general information of the public.

D. S. Raut Dessai, Under Secretary
(Legislative Affairs).

Porvorim, 2nd July, 2009.

The Goa Sewerage System and Sanitation Services Management Act, 2008

(Goa Act 14 of 2009) [25-06-2009]

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to make provision for management of sewerage system and sanitation services in

the State of Goa and for matters connected and incidental thereto.

Be it enacted by the Legislative Assembly of Goa in the Fifty ninth Year of the Republic of India, as follows:-

1. *Short title, extent and commencement.* -

(1) This Act may be called the Goa Sewerage System and Sanitation Services Management Act, 2008.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.* - In this Act, unless the context otherwise requires:-

(a) "consumer" means an individual, firm, company, society, Corporation or an association, who/which has obtained piped water connection from the PWD, or has his own arrangements for potable and non-potable water for domestic, commercial or industrial purposes resulting in generation of sewage or waste water and includes all those who generate sewage or waste water even without having any such arrangement for potable or non-potable water;

(b) "dispute" means the dispute or difference arising out of any order, decision or documents issued or taken under this Act or the rules framed thereunder;

(c) "Dispute Redressal Authority" means an authority constituted under Section 7 of this Act;

(d) "Government" means the Government of Goa;

(e) "management" means administration, control, designing, planning, execution, implementation, operation and maintenance of sewerage system and sanitation services.

(f) "notification" means a notification published in the Official Gazette of the Government.

(g) "nuisance" means anything injurious or obnoxious to the community or to any individual and includes sewage or waste water or filth accumulation which in the opinion of the Executive Engineer of the PWD/Health Officer or any other authority authorized in this behalf, breed or likely to breed mosquitoes or otherwise injurious to health or property unless treated or disposed of effectively to prevent such accumulation;

(h) "Official Gazette" means the Official Gazette of the Government;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "public sewer" means a pipe or underground conduit or such other device meant to carry untreated sewage and contaminated or polluted water generated from the existing building or construction site, existing in or under the adjoining street, lane or any kind of road or pathway and forming component of the sewerage system controlled by the PWD;

(k) "PW D" means Public Works Department of the Government;

(l) "sanitation services" means developing, operating and maintaining the facilities like pour flush water seal latrines, public toilets for educational institutions, community health centers, contaminated or polluted water treatment and safe disposal systems and other such facilities resulting out of programs in public health and sanitation sector implemented by the PWD for the State or any other authority authorized in this behalf

(m) "sewage" means night-soil and other contents of water closets, latrines, urinals, cesspools, drains and polluted water from sinks, bathrooms, stables, cattle-sheds, discharges of filth, trade effluents, industrial effluents of specified standards from any kind of building as well as from public conveyances, markets, public places, religious places and educational institutions;

(n) "sewerage system" means the system developed and constructed for facilitating collection, conveyance, pumping, if so warranted, of sewage and includes facilities of the treatment of sewage as per the standards specified by the Goa State Pollution Control Board and safe disposal of treated effluents and non-harmful sludge on land, water bodies or non-potable use, all under control of the PWD;

(o) "State" means the State of Goa;

(p) "Technical Committee" means a committee appointed by the Government consisting of prescribed officers entrusted with the functions as prescribed for the purposes of the Act.

3. Management of sewerage system and sanitation services.— (1) On and from the date of coming into force of this Act, sewerage systems and sanitation services for the

consumers in the State shall be managed and controlled by the PWD, whenever and wherever such facilities are operational and developed by the PWD in accordance with the provisions of this Act and rules framed thereunder.

(2) Except as otherwise provided by the rules made in this behalf, any consumer intending to avail the facility of sewerage system or use of sanitation services managed by the PWD, shall make an application in writing to prescribed authority for grant of authorization or permission in such for along with such documents and a fee as prescribed.

(3) On receipt of application under sub-section (2), the prescribed authority may subject to provisions of the Act, make such inquiry as it deems fit and if it is satisfied that the consumer is possessing necessary infrastructure to avail the facilities in accordance with the rules,—

(i) grant the permission unconditionally;
or

(ii) grant the permission subject to such general or special conditions as it may impose; or

(iii) refuse the permission for reasons to be recorded in writing, after giving a reasonable opportunity of being heard to the applicant.

(4) Every application for grant of permission shall be disposed of by the prescribed authority within a period of 90 days from the date of receipt of the application.

(5) The prescribed authority may cancel or suspend the permission, as the case may be, for reasons to be recorded in writing if the consumer has failed to comply with any provision of the Act or rules or condition of permission granted thereof:

Provided that no permission shall be cancelled or suspended without giving a

reasonable opportunity to the consumer of being heard.

4. *Prohibition of nuisance.*— (1) On and from the date of enforcement of this Act, no person shall cause any nuisance injurious to health or property.

(2) Every person shall avail the facility of sewerage system and sanitation services, wherever feasible, in order to prevent nuisance.

5. *Exemptions.*— wherever, in the opinion of the Government reasonable grounds exist in doing so, the Government may, by notification and subject to such conditions and restrictions as may be specified, exempt any category of consumers from all or any of the provisions of this Act or the rules made thereunder, either throughout the State or for any specified period or occasion, with the advice of the Technical Committee.

6. *Taking over sewerage systems and sanitation facilities developed by other.*— The PWD, may subject to prior approval of the Government and the Technical Committee, take-over, the sewerage and sanitation facilities developed by municipal councils, corporations, panchayats, autonomous bodies, industrial estates, Government undertakings, private developers or charitable institutions etc., constructive and overall development of sewerage system and sanitation services in the State and its management.

7. *Dispute Redressal Authority.*— (1) The Government may, by notification in the Official Gazette, appoint such member of Dispute Redressal Authorities as may be required for redressal of the disputes.

(2) The Dispute Redressal Authority shall comprise of three members including a Chairman, each of them shall have knowledge and experience in one or more fields of engineering, medical, health, environment, sanitation, administration, law, finance keeping in view the nature of dispute.

(3) The Dispute Redressal Authority shall pass orders after giving a reasonable opportunity of being heard to the parties to the dispute.

8 *Appeal*.— (1) Any person aggrieved by an order passed by the Dispute Redressal Authority or the prescribed authority may file an appeal in the prescribed manner to the Appellate Authority to be appointed by the Government, under this Act.

(2) The Appellate Authority shall pass orders after giving a reasonable opportunity of being heard to the parties to the appeal.

(3) The Order of the Appellate Authority shall be final and binding on the parties.

9 *Offences and Penalties*.— Any person, who has,—

(a) made a connection to sewerage system without any approval of PWD.

(b) allowed discharge of the characteristics of sewage or polluted water other than those specified by the Government by rules, by any means whatsoever, into the sewerage system managed by the PWD.

(c) caused disruption to sewerage system or sanitation service giving rise to nuisance or likely to cause nuisance

(d) committed nuisance or abetted commission of nuisance shall be deemed to have committed an offence under this Act and be punished with a fine which may extend up to rupees fifty thousand along with the actual cost of restoration of sewerage system or sanitation service, as the case may be, as determined by the Technical Committee.

10. *Act to have effect in addition to other Acts*.— The provision of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

11. *Protection of action taken in good faith*.— No suit, prosecution or other legal proceedings shall lie against the Government, the prescribed authority, the Dispute Redressal Authority, the Appellate Authority, or any other officer or servant in the employment of Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

12. *Power to make rules*.— (1) The Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:—

(a) the categories of consumers who could avail different types of services under this Act;

(b) fees, tariffs, service connection charges and any other applicable charges, penalty and fines for non-payment thereof for different categories of consumers;

(c) Form of application to be made under sub-section (2) of section 3, form of affidavits, undertaking, no objection certificates or other documents, if any to be accompanied with application, form of agreement to be made with PWD for use of sewerage system or to avail sanitation services under this Act;

(d) the methods for payment of bills including billing cycles and period for payment and grace period, if any, recovery of arrears, grant of concessions for any charges or effecting the payments in particular manner;

(e) procedure to be followed by Dispute Redressal Authority for redressal of disputes;

(f) technical parameters for building sewerage system and characteristics of sewage or polluted water that can enter the sewerage system;

(g) composition of technical Committee and allocation of specifies functions to it for the purposes of this Act;

(h) manner of making an appeal against the order passed by the Dispute Redressal Authority or prescribed authority, as specified in section 8;

(i) restricting the entry of sewage, trade effluent, polluted water and other such liquid or solid waste in public sewer;

(j) any other matter which is required to be provided by rules by the Government.

(3) Every rule made by the Government under this section shall be laid as soon as may be after it is made, before the State Legislature.

Secretariat,
Porvorim-Goa.
Dated: 02-07-2009.

V.P. SHETYE,
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).